App. F. IX-4

Previous References. (1943-44 War) W File No. 178-43
Serial Nos. 1 & 2.

Later References. (9)

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Two only.

Part B for May-1944.

SUBJECT

Commandeering - private houses for providing housing accommodation to officers in Govt. Service.

J.P. Krishnan
26.5.44.

Commandeering private houses for providing housing accommodation to officers in govt service

2423/W.

Continuation Sheet. File No. W Current No. 178 of 43-44 Page. 7546/43 p 643

From the Addl CS Lon

Letter No ED 50/40 dated 4th April 44 regarding action to be taken in the circumstances stated. If houses may be requisitioned under sub-rule 1 of Rule 75A of the Defence of India Rules whenever housing accommodation to officers officials is considered necessary & found necessary.

2) Under sub-rule 1 of Rule 75A of the Defence of India Rules, Govt may by order requisition any property, movable or immovable, for securing the defence of British India, public safety, the maintenance of public order or the efficient conduct of military operations or for maintaining supplies essential to the life of the community. Requisitioning for the purpose mentioned by D.C. does not seem to be appropriate under the above rule. The house may be given on voluntary basis or Hon'ble Cantonment Order. If possible. But if the D.C. is satisfied that the owner wants it for his personal occupation then seems to be no remedy under the present rules & orders &c.

The Land Requisitioning may be consulted & the Military Secretary may be informed.

Sd/- [illegible]

8.6.1944

Sd/- [illegible]

Secy (Law) w/cmts

Sd/- [illegible]

Sd/- [illegible]

4) Copies of the rent Control order & the Defence of India Rules are also herewith put up for reference.

Law 161/43-44

19.4.44

Sd/- [illegible]

19/4/44

3 S. 21 is rather awkward at this Stage with regard to the Revised Judge Rules to secure a dwelling place for a Post Office. No doubt a Post Office, belonged to a Service, essential to maintain the life of the Community. But we should not apply the D. J. Rules, in cases, when Ruling must be obtained.

In the present case, I am in fact in receipt of information that the Landlord has sent the keys of the house; which cannot be completed. There does not seem to be any urgency to the matter as the Applicant is to vacate the house shortly. We may very well postpone the consideration of this application. I think the Applicant may apply to the Landlord that it is impossible for him to vacate the house at present, & that he can vacate it, only when he finds a suitable house; that he can be granted time. But, I do not advise any action whatever by Post Office on behalf of the Applicant see Sec 75-A of the D. J. Rules, at present.

Law Secretary 3/ 25/4/44

6 As the owner has another house for his residence the case may be considered by issue of a Notice under Sec 6 of the Rent Control Act. Rents can be increased by the Tenant

Chief Secretary 3/ 26/4/44

Law Secretary 3/ 26/4/44

GOVT OF MYSORE 21 APR 1944
GOVT OF MYSORE 10 OCT 2007

WD 1140—GPB—50,000—5-11-42

24/2/W.

Secretary
over
me!

27/4/44

122.66
CHIEF SECRETARY
28 APR. 1944
GOVT. OF MYSORE

1). The legal opinion is for Remark: the D.C. may be informed accordingly

Thought)

I think the view expressed at A in Serial above is correct.

The refusal of the Ty Com^r is not acceptable. It is open to the party concerned to obtain such relief as may be possible, under the provisions of the Stone Trent Control Order.

Min Edn
Min Rev & L

29/4/44

in accordance with
instructions in Case
like this —
Reply that this suggestion
Cannot be accepted

4/5/44
7174.

OFFICE OF THE MINISTER
FOR REVENUE & LAW
2 MAY 1944
No. 6854.

3/5/44

14

Subd with a draft replying accordingly for approval.

5/5/44 for 4/5/44

2423/W .. Commandeering private houses for providing housing accommodation to officers in Govt service.

2. Issued No. W 2601 dt 8th May 44 to D.C. Bluve, informing him that Govt do not interfere in such cases.

Issued memo: No. W 2602 to R.C. & C.R.

B
9/5

W 198-43-1

C.D.-50/43-44.

Office of the Deputy Commissioner,
Bangalore District, Bangalore,
Dated the 4th A p r i l 1944.

2423/W

From

Mohomad Ismail Sheriff, Esq., B.A.,
Deputy Commissioner,
Bangalore District,
B a n g a l o r e.

To

V. Vedavyasacharya, Esq., B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
B a n g a l o r e.

S i r,

Subject:- Commandeering private houses for providing housing accommodation to officers in Government Service.

I have the honour to state that Mr. M. K. Appajappa, Assistant to the Director of Agriculture has presented an application through the Director representing that one Mr. D. Narayana Rao, Stone Contractor, Sannidhi Road, Basavanagudi, Bangalore city, owner of house No. 91, Narasimharaja Colony, Bangalore city where the applicant is at present residing has issued him a notice requiring him to vacate the house before the end of the current month on the ground that it is required for his bonafide personal occupation as the house in which he is at present residing is to be vacated and given over to his brother according to the settlement effected by the High Court of Mysore. The applicant further states that the owner of the house can reside in the new house that is being built by him which is almost complete or in any other house which, he can secure being an influential man. He therefore requests that the building in question may be commandeered for his residential purposes as it is not possible to get any other suitable house in these days. The Director of Agriculture states that it will be great hardship if, under the present conditions an officer of Government is asked to vacate his residence.

According to Section 3 of Essential Services (Maintenance) Act, 1942 any employment under Government is essential service. But it is not clear if a house can be commandeered for providing housing accommodation to all persons in essential service, though in some cases

P.T.O.

this discretion has been exercised.

In these circumstances, I request that orders of Government may kindly be obtained, if houses may be requisitioned under Sub Rule 1 of Rule 75 A of the Defence of India Rules as applied to Mysore, whenever housing accommodation, to officials or officers in the essential service of Government is found necessary. The application of Mr. M. K. Appajappa and the letter from the Director of Agriculture in the matter are enclosed for reference.

Not received ? Owner's letter to be published

I have the honour to be,

Sir,

Your most obedient servant,

Deputy Commissioner,
Bangalore District.

GSS.

Bangalore

dated 16th March 1944.

To

The District Magistrate,
Bangalore District,
Bangalore.

APPLICATION FOR COMMANDEERING HOUSE No.91,
NARASIMHARAJA COLONY, BANGALORE CITY.

Sir,

I am an Assistant Commissioner in Mysore Government Service. I was transferred to Bangalore City in February 1943. I engaged the House No.91 Narasimharaja Colony, Bangalore City, belonging to one Mr. D. Narayana Rao, Stone Contractor, Sannadhi Road, Basavangudi, Bangalore, on a rent of Rs.30/- per month and occupied the house in April 1943. The House was rented out to me by the above said Mr. D. Narayana Rao on the understanding that he would effect the necessary improvements and that I should continue to live in the house till such time I liked. Though the house is very small and not worth the rent paid by me I had to live there since I had promised the gentleman to continue the tenency as far as possible. Though this gentleman was requested to execute a rent kharar, he stated that no such kharar was necessary since I was a Mysore Government Officer and that I might continue to live there as long as I liked. Now, all on a sudden, he has sent me a letter (enclosed) stating that the house in which I am living is required for his use and that I should vacate it before the end of this month. The said Mr. Narayana Rao is having his own house and that he is building another house which is almost complete. The petitioner is doubtful if the fact mentioned in the

letter

letter is true and the petitioner fully believes that the threat is with a motive to increase the rent of the house. Even if what is stated in the letter is true, the said Mr. Narayana Rao may occupy his new house or any other house since he is an influential and well-to-do gentleman and that it is very easy for him to secure a house if he so desires. The notice of the land-lord is very sudden and it is not possible for the petitioner to vacate the house with such short notice. The petitioner is paying a very high rent to the house in question, and considering the situation, accommodation and other inconvenience, the rent paid is really too high for the house. The petitioner has paid two months' rent in advance and has been paying the monthly rent in advance very promptly and regularly in spite of the fact that the land-lord did not effect necessary improvements as agreed to by him when the building was first rented out to me.

The petitioner is a responsible Officer of the Government of His Highness the Maharaja of Mysore and his stay in Bangalore is entirely due to exigencies of Government Service and not due to any other avocation in life. The petitioner is not a native of this place and has practically no relatives or friends with whom he can use his influence and secure any sort of accommodation for his habitation. The petitioner will not continue to stay in the place even a day more when he is transferred from the place elsewhere.

The petitioner is having a big family con-

consisting of many young children and it is impossible for him to shift his family anywhere.

Since the petitioner is an Officer of Government in active service, he prays for protection under the Defence of India Act. The petitioner is confident that the Honourable Court is aware of the difficulty to secure houses at Bangalore and particularly the position of the unfortunate Government officers whenever transferred to this place in such circumstances. The petitioner made all possible efforts to secure another suitable house after the receipt of the letter from his land-lord but failed to get any kind of house in any locality. It is very difficult if not impossible to secure a decent house in the City at this juncture and the petitioner will be sparing no efforts to secure another house if he could. As it is very uncertain to secure another house immediately the petitioner prays the Honourable Court to commandeer for him the present house (House No.91, Narasimharaja Colony, Bangalore City) in which he is living since the stay of the petitioner in Bangalore is entirely due to exigencies of Government service and that he is helpless in the matter.

I beg to remain,
Sir,
Your most obedient servant,

PETITIONER.

Basavangudi, Dated 5th March 44.

To
N.K. Appajappa., Esq., B.A.,
Assistant Commissioner, Bangalore.

Dear Sir,

The house that had been let out to you is very badly required by me for my own occupation as the present house wherein I zam living has to be given to my brother according to the settlement effected by the High Court of Mysore. Please therefore make arrangements to vacate the house at least before the end of the current month.

please acknowledge this letter

Thanking you,

Two months advance rent may kindly be adjusted towards Feb & March bills.

Yours faithfully,

D. Narayana Rao

Appendix F. G.—1]

SUBJECT Commandeering private houses for providing housing accommodation to officers in Govt Service.

Section War

File No. 193-43.

Serial No. 2.

Diary No. of letter replied to.....

No. W 2601.

General and Revenue Secretariat

( )

the *194* .

To

The D. C. Bldre.

Sir,

Date of issue 8/5/44

With refce to your letter No. C.D. - 50/43-44 dt 4.4.44 on the above Subject, I am directed to state that Govt are not in favour of interfering in such cases & that your Suggestion regarding requisitioning of houses under Sub Rule 1 of Rule 75 A of the Defence of India Rules as applied to Mysore cannot be accepted.

Signed by W. S. K. V.

I have etc.,

W

5/5/44

Chief Secy to Govt.

List of enclosures.....

Codied by.....

Examined by.....

Memo No 2602-03 8/5

WD 04161—GPB—60,000—24-10-41

Copy w/c to R.C.